The Cochin payment of salaries and allowances Act Amendment Bill:

Mr. A. V. Moothedan (*Chalakkudi*): I beg leave to introduce the Cochin Payment of Salaries and Allowances Act Amendment Bill.

Mr. K. M. Ibrahim (*Cranganur*): I second it.

The motion was put and carried.

The Cochin Tenancy Act Amendment Bill.

Mr. M. K. Devassy (*Adur*): Sir, I beg for leave to introduce the Cochin Tenancy Act Amendment Bill.

Mr. T. A. Ramachandra Ayyar (*Nellai*): I second it.

The motion was put and carried.

The Cochin Agriculturists' Temporary Relief Bill.

Mr. C. V. Iyyu (*Kunnamkulam*): I beg leave to introduce the Cochin Agriculturists' Temporary Relief Bill.

Mr. K. M. Ibrahim (*Cranganur*): I second it.

The motion was put and carried.

The Cochin Tenancy Act Amendment Bill.

Mr. V. J. Mathai (*Planters*): I beg leave to introduce the Cochin Tenancy Act Amendment Bill.

Mr. A. V. Moothedan (*Chalakkudi*): I second it.

The motion was put and carried.

RESOLUTIONS.—(*cont.*)

12. Committee to report on the working of the Staff Selection Board.

Mr. V. N. Damodaran Nambiar (*Trippunittura*): The Resolution in my name stands thus:

"*This Council recommends to the Government that a Committee of the members of this House be appointed to go into and report upon the working of the the Staff Selection Board before the period of three years fixed in the proceedings appointing the Board, expires*".

I don't think any elaborate speech or argument is necessary to convince the hon'ble members about the urgent need of the resolution. The Staff Selection Board was appointed in 1111 and in the G. P. appointing the Staff Selection Board, Government clearly said that the Board is temporarily appointed for a period of three years at the end of which the position will be reviewed in the light of the then existing circumstances. What

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this resolution seeks is only to indicate the agency which is to go into and report upon the working of the Staff Selection Board. The necessity for an enquiry has, I submit, been contemplated by the G. P. itself. Therefore we have only to consider now as to who are the persons best fitted to conduct the enquiry. For a consideration of this resolution, I think there are two important points which the hon'ble members will have to bear in mind. The first is as to whether there is any necessity for an enquiry as contemplated by this resolution regarding the working of the Staff Selection Board. I submit that the Staff Selection Board was appointed with a view to mete out communal justice among the various communities in the State and to instil a feeling of confidence in the different communities that justice is being done in the matter of appointments to the Government service. As it can be clearly seen, from a passage in the Government Proceedings itself, it is due to this desire on the part of the Government to instil a feeling of confidence in the several communities that the Government thought it necessary that an impartial body be entrusted with the work of recruitment to the service. I shall read the passage:

"The existing provisions of the Standing Orders and the supplemental departmental circulars and instructions issued from time to time have provided safeguards to ensure adherence to this policy so as to secure fair and equal treatment to all classes in the Public Service. The recruitment to the subordinate services now made by Heads of Departments has, however, often come in for a good deal of criticism, and Government feel that so long as the present practice of recruitment by Heads of Departments continues, even though the appointments are in facts made with the strictest impartiality, it will continue to give a handle for such criticism, however undeserved or ill-founded it might be."

Government say that even before the appointment of the Staff Selection Board, they were adhering to the principle of communal representation in the matter of recruitment to the service. The only difference consisted in the fact that the recruitments were made by the several departmental heads. In view of the fact that the discretion of chosing the candidates rested with the departmental heads, the people at large were not confident or there were several complaints with regard to their impartiality and the way in which recruitments were made by these departmental heads. "The recruitment to the subordinate services now made by Heads of Departments has often come in for a good deal of criticism and Government feel that so long as the present practice of recruitment by Heads of Departments continues even though the appointments are made with the strictest impartiality, it will continue to give a handle for such criticism however undeserved or ill-founded it might be."

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That is the very reason why I urge for accepting this resolution and appointing a committee to enquire into the actual working of the Board, in accordance with the policy as outlined in the G. P. just now read.

Then, another point that we have to look into is as to whether there are actually any complaints with regard to this institution of the Staff Selection Board, now existing among the communities. I do not think there will be any difference of opinion when I say that at least among the non-official members of this House considerable complaints do now exist, though not with regard to the proportion or the rotation fixed for the guidance of the Staff Selection Board, at least with regard to the way in which, or the method by which actual recruitments are being made by the Board. I will, in this connection, point out to the members about a cut motion tabled, I think by the hon'ble member for Chalakkudi, during the Budget Session. From the nature of the discussions we had on that occasion, it is clear beyond doubt that the people at large do feel some sort of want of confidence in the Board. Several complaints have been given expression to, both in this House and outside, and I know as a matter of fact, that at least in one or two cases, people with more service and better qualifications have not been given preference to less qualified men with less service. I do not think there is any necessity to enumerate the cases or to point out instances, because during the course of the debate that we had on that occasion, the then Member for Law, who was a member of the Board also, made a very vehement defence on the floor of the House about the fairness and impartiality with which the actual working of the Board is being conducted. On that occasion, I may point out to the hon'ble members, the then Law Member himself admitted that in two or three cases, preference was actually given to less qualified men with less service. I will read from the reports, 1112, Vol. I, Part 5, page 361. "Mr. Thomas Manjuran:—Except on two or three occasions, I do not remember to have appointed fresh hands, when there were thrown out hands from a particular community". I say this is practically a confession that less qualified men with less service have been preferred to more qualified men with more service, and belonging to the same community. I do not think I am called upon to point out any other instances to this House. The fact that actual complaints exist—I don't think there is any necessity for me to further explain the same—is clear from the discussion that we had on this cut motion which shows perfectly well that several complaints do exist. I shall read one or two paragraphs from the same reports at page 347, from a speech from the hon'ble member Mr. K. Ayyappan.

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"ചെറിയ അവധികളിൽ ഇഴവരെ അധികമായും നീണ്ട അവധികളിൽ മറുള്ളവരെ അധികമായും വെക്കുന്നതുകൊണ്ട് ഉദ്യോഗം കിട്ടുന്ന ഇഴവരുടെ എണ്ണം കുറഞ്ഞുപോകുന്നുണ്ട്".

അവർ മനപൂർവ്വം അനീതി ചെയ്യുന്നതായിരിക്കയില്ല. എങ്കിലും ഞാൻ ചൂണ്ടികാണിച്ച വിഷമസ്ഥിതിക്കു തല്ക്കാലത്തിൽനിന്നും എന്തെങ്കിലും ഒരു പരിഹാരമുണ്ടാക്കിയാൽ മതി. ഇതിനു പ്രാതിനിദ്ധ്യംകുറഞ്ഞ ഒരു പ്രധാന സമുദായത്തിലെ അംഗം ബോർഡിൽ ഉണ്ടായിരുന്നാൽ നന്നായിരിക്കും".

So the fact that there are several complaints now have been amply borne out by the discussion that I have already referred to now. I submit once again that as in the case of the administration of justice, it is absolutely necessary that justice should appear to be administered fairly and impartially, so also in the matter of meting out communal justice, it is not enough that justice is actually meted out but it is more essential that all the different communities should have an impression that in fact justice is being meted out properly. Therefore, it is only in the interest of the Government, and in the interest of the public, that an enquiry should be instituted, and especially since the Government have contemplated such an enquiry in the G. P. itself I don't think that the Government will oppose this resolution at all.

Then with regard to the agency that is best qualified to go into the question, I submit, this Council is the best fitted to undertake the responsibility because we have got representatives of the different communities here and I am certain that in case a committee of this House go into the question and report upon the matter and the Government cares to act accordingly there cannot be any further complaints with regard to this matter.

And, lastly, I would request the hon'ble members to support this resolution. I would like to repeat—even though it may not be palatable to some of the hon'ble members—that I do not bring these resolutions on the subject of communal representation, because I am a believer in this principle. I repeat once again, in spite of all the protests we have heard on a previous occasion, that I don't believe in this principle. But still, in view of the circumstances that are prevailing now it is only in the interest of justice that once we have accepted it as a policy or as a principle, we should act according to it in a way which would satisfy the different communities and in a way which would ensure the prosperity and union of all these different communities. I would therefore request hon'ble members of this House belonging to either of the parties to support this resolution.

Mr. A. V. Moothedan (*Chalakkudi*): I support this resolution though some of my friends are inclined to suspect there is something behind this resolution. I do not question the

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motive of my friend the hon'ble member for Trippunittura who has brought this resolution. I assure he has been actuated with the very best of motives. Even motive is irrelevant. After the starting of the Staff Selection Board, from time to time, several questions have been asked regarding the details of the working of the Board and some complaints were heard regarding the quantity and quality of appointments given to some communities. All these camplaints should be gone into in a detached spirit; then it will be seen that their complaints are baseless. I request the Government to appoint a committee consisting of all shades of opinion and I may emphatically declare that this resolution is not a no-confidence resolution. Hereafter there will be no baseless criticism against the working of the committee.

I want to submit another point. The report should be placed before the Council for its consideration before any orders are passed upon the report. The members should also be given sufficient time to study the matter. So, it should be placed on the Council Table in the form of a White Paper and a motion should be passed by the Council accepting or rejecting the report. With this suggestion I support the motion.

*മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: സർ, സമുദായ പ്രതിനിധ്യത്തിനു വാദിക്കുന്നവരുടെ മുന്നണിയിൽ നില്ക്കുന്നവരിൽ ഒരാളാണ് ഞാൻ. അതിനോട് അനുകൂലമാണെന്നു ധരിക്കപ്പെട്ടതു പ്രസംഗത്തോടുകൂടി അവതരിപ്പിച്ച ഈ പ്രമേയത്തെ എതിർക്കുന്നതിൽ ചിലർ അത്ഭുതപ്പെട്ടുണ്ടായിരിക്കും. ഈ പ്രമേയകർത്താവിന്റെ ആകർഷണീയമായ പ്രസംഗത്തിനു ഒരു വിദൂരനമസ്കാരംചെയ്യാതെ നിവൃത്തിയില്ല. ഈ പുറംപൂച്ചുകളൊന്നും ഞങ്ങളോടുപറയണമെന്നു വിചാരിക്കണ്ട; അതിന്റെ കാലമെല്ലാം പോയി. സ്റ്റാഫ് സിലക്ഷൻ ബോർഡിന്റെ കാലാവധി മൂന്നു കൊല്ലത്തേക്കാണു വെച്ചിട്ടുള്ളതു്. അതിന്റെ പ്രവർത്തനത്തിൽ ആദ്യം പലസംശയങ്ങളുമുണ്ടായി. പിന്നീടു പല ഭേദഗതികളും നിർദ്ദേശങ്ങളുംകൊണ്ടു് അതിനെ കഴിയുന്നത്ര പ്രായോഗികമാക്കി തീർക്കുവാൻ ശ്രമിച്ചു. ഇപ്പോൾ അതു കഴിയുന്നിടത്തോളം ന്യായമായി നടത്തുന്നതിനു ശ്രമിക്കുന്നുണ്ടെന്നാണു് എനിക്കു തോന്നുന്നതു്. മനുഷ്യർ വഴിവാടുകൊണ്ടും മറ്റും ദൈവത്തെ സ്വാധീനമാക്കുവാൻ ശ്രമിക്കുന്നുണ്ടു്; അതുപോലെ മുഖസ്തുതിയിലും മറ്റു പലവിധത്തിലും ഇവരെ സ്വാധീനമാക്കാൻ ശ്രമിക്കുന്നവരുടെ മുഖസ്തുതിയിൽ മയങ്ങിപ്പോകുന്ന എങ്കിൽ അതിൽ അവരെ മുഴുവൻ കുറ്റപ്പെടുത്താൻ വിചാരിക്കുന്നതു ശരിയല്ലെന്നാണു് എന്റെ അഭിപ്രായം. പിന്നെ മനുഷ്യർക്കു് അബദ്ധങ്ങൾ കുറെയൊക്കെ വന്നേക്കാം. മനുഷ്യരുടെ പലവിധത്തിലുള്ള സാഹചര്യങ്ങളുടേയും പരിതസ്ഥിതികളുടേയും ചിലവൃത്യാസങ്ങൾകൊണ്ടു് നിയമത്തെ ഭേദപ്പെടുത്തേണ്ടതായും വന്നേക്കാം. ചിലപ്പോൾ ഒഫീഷിയേറിംഗ് ഹാൻഡുള്ളപ്പോൾ പുതിയ ആളുകളെ നിയമിക്കുന്നുണ്ടു്. എജ്ബാഗം മറ്റും വന്നുപോകാതിരിക്കാൻവേണ്ടിയാണു് അങ്ങിനെ ചിലനിയമനങ്ങൾ നടത്തുന്നതെന്നു മൊരിക്കൽ മറുപടി പറഞ്ഞിട്ടുണ്ടു്. അതുകൊണ്ടു് ഈ പ്രമേയം സ്റ്റാഫ്

*Speech not corrected by the hon'ble member.

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സെലക്ഷൻ ബോർഡിന്റെ മേൽ അവിശ്വാസം രേഖപ്പെടുത്തുന്ന ഒന്നാണെന്നാണ് ഞാൻ വിചാരിക്കുന്നത്. ഈ കമ്മറിയെ വിശ്വസിക്കുന്നില്ല എന്നുള്ളതു് അനുദ്യോഗസ്ഥ പക്ഷത്തിനു പോരാത്ത ഒരു സംഗതിയാണ്. എല്ലാസംഗതികളും നമ്മെ ബോദ്ധ്യപ്പെടുത്തിക്കൊണ്ടു ചെയ്യുവാൻ ഭരണകർത്താവിനു സാധിക്കുന്നതല്ല. അതുകൊണ്ടു് അവരുടെമേൽ അവിശ്വാസം രേഖപ്പെടുത്തുന്നതിനുള്ള ഒരു പ്രമേയമാണിതു്. ഇങ്ങിനെ ഒരു പ്രമേയംകൊണ്ടു വന്നു ഇതിന്റെ പ്രവർത്തനത്തിനെതിരായി അദ്ദേഹം സംസാരിക്കാൻ തുനിഞ്ഞതിൽ എനിക്കു വൈഷമ്യമുണ്ടു്. അതിനാൽ എന്റെ മാന്യസ്നേഹിതൻ ഇതിനെ പിൻവലിക്കുമെന്നു വിശ്വസിക്കുകയും അതിനു അദ്ദേഹത്തോടു അപേക്ഷിക്കുകയും ചെയ്യുന്നു.

മിസ്റ്റർ എ. വി. മൂത്തേടൻ: ഇതുകൊണ്ടു് എങ്ങിനെയാണു് അവിശ്വാസം വരുന്നതു്?

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: തീർച്ചയായും അവിശ്വാസമാണിതു്. അതുകൊണ്ടു് ഞാൻ ഇതിനെ ശക്തിയായി എതിർക്കുന്നു.

മിസ്റ്റർ സി. വി. ഇയ്യു: സർ, ബഹുമാനപ്പെട്ട തുഞ്ചിപ്പറമ്പർ ഈഴവ മെമ്പർ ഈ പ്രമേയത്തെ ചൂണ്ടിക്കാട്ടി മെമ്പർ ഉപയോഗിച്ച രീതിയിലുള്ള അർത്ഥത്തിലല്ല എടുത്തിരിക്കുന്നതു്. പ്രമേയകർത്താവു് രാഷ്ട്രീയ കാര്യത്തെപ്പറ്റിയൊ സാമുദായിക കാര്യത്തെപ്പറ്റിയൊ എന്തൊരെതിരഭിപ്രായമാണു് ഇതിലെടുത്തിട്ടുള്ളതു്? അദ്ദേഹം സാമുദായിക പ്രാതിനിധ്യ തത്വത്തിനെതിരായിട്ടാണു് ഈ പ്രമേയം കൊണ്ടുവന്നിട്ടുള്ളതു് എന്നു പറയുന്നതു് വളരെ കഷ്ടമാണു്. അതുകൊണ്ടു് സാമുദായിക പ്രാതിനിധ്യത്തെ അനുകൂലിക്കുന്ന അഭിപ്രായത്തോടുകൂടി ഉള്ള ഞാൻ ഇതിനു മറുപടി പറയുന്നതു് ഈ സഭക്കു സന്തോഷമായിരിക്കുമെന്നു വിശ്വസിക്കുന്നു. ഈ പ്രമേയം സ്റ്റാഫ് സെലക്ഷൻ ബോർഡിൽ ഒരു അവിശ്വാസം രേഖപ്പെടുത്തലായിട്ടില്ല ഞാൻ വിചാരിച്ചിരിക്കുന്നതു്. ഈ സഭ അങ്ങിനെ വിചാരിക്കുമെന്നു ഞാൻ കരുതുന്നുമില്ല. സ്റ്റാഫ് സിലക്ഷൻ ബോർഡ് അംഗങ്ങളുടെപോരിൽ ഇതിനെക്കാൾ അവിശ്വാസപ്രമേയ കാര്യങ്ങൾ ബഹുമാനപ്പെട്ട കണയന്നൂർ ഈഴവ മെമ്പർ കഴിഞ്ഞ ബഡ്ജറ്റ് സമ്മേളനത്തിൽ പറഞ്ഞിട്ടുണ്ടു്. ഞാൻ ഇതു സഹോദരൻ പത്രത്തിൽ കണ്ടതിനെ അടിസ്ഥാനപ്പെടുത്തി പറയുകയാണു്. ബഹുമാനപ്പെട്ട കണയന്നൂർ ഈഴവമെമ്പർ ഇപ്രകാരം പറയുന്നു:—

"മിസ്റ്റർ കെ. അയ്യപ്പൻ: ഞാൻ ഒരു സിറിംഗിന്റെ ഫിഗേഴ്സ് വെച്ചുകൊണ്ടല്ല പറയുന്നതു". എല്ലാ സിറിംഗുകളുടേയും നിയമനക്കണക്കെടുത്താണു് ഞാൻ പറഞ്ഞതു്. ചിലപ്പോഴൊക്കെ ഈഴവരെ നീണ്ട ഒഴിവുകളിലും കൂടിയ ശമ്പളത്തിലും നിയമിക്കുന്നതെന്നു കാണിക്കുന്നതുകൊണ്ടു് എന്റെ വാദം നിഷേധിക്കപ്പെടുകയില്ല. ആകപ്പാടെയുള്ള ഫിഗേഴ്സിൽ ശമ്പളത്തോതു നോക്കിയാലും, ഡ്യൂറേഷന്റെ തോതു നോക്കിയാലും, ആളുകളുടെ എണ്ണം നോക്കിയാലും ഈഴവരെ കിട്ടുന്നതു് വളരെ കുറവാണെന്നു് ഞാൻ സ്ഥാപിച്ചുകഴിഞ്ഞു.

മിസ്റ്റർ കെ. പി. കണ്ണൻനായർ: ഇതിൽ പറഞ്ഞിരിക്കുന്ന ഫിഗേഴ്സെല്ലാം തെറ്റാണു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: എന്നാൽ നിങ്ങൾ സപ്ലൈ ചെയ്തിട്ടുള്ള ഫിഗേഴ്സെല്ലാം തെറ്റാണു്.

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മിസ്റ്റർ സി. വി. ഇയ്യു: ഇതിനു മറുപടിയായി അന്നത്തെ ലാമ്പ്സർ മിസ്റ്റർ തോമസ്സ് മാഞ്ഞൂരാൻ ഇപ്രകാരം പറഞ്ഞിരിക്കുന്നു.

"Mr. Thomas Manjuran: I am not speaking this to you in order to justify our actions. I am only trying to convince the hon'ble members what we have been doing. It may be that the system we are following is vicious. We have endeavoured to see that the appointments allotted to the various communities are allotted with a view to assure not only numerical proportion, but various other factors including duration. This has always been the case and I gave the last sitting only as an illustration. In the last occasion the Ezhuvas got 2 jobs of Rs. 35 of 9 months' duration, etc."

ഇതിൽകൂടുതൽ അവിശ്വാസം ബഹുമാനപ്പെട്ട തുപ്പുണിത്തുറ മെമ്പറുടെ പ്രമേയംകൊണ്ട് ഇവിടെ രേഖപ്പെടുത്തീട്ടില്ല. അതുകൊണ്ട് ഈ പ്രമേയം ഗവൺമെൻറ് സ്വീകരിച്ച് ഈ സഭയിലെ രണ്ടുമൂന്നുപേരെനിയോഗിച്ച് സ്റ്റാഫ് സെലക്ഷൻ ബോർഡിന്റെ നിയമനങ്ങളെ സംബന്ധിച്ച് ഒരു റിപ്പോർട്ട് തയ്യാറാക്കിക്കുന്നതായാൽ അതു ഗവൺമെൻറിനുതന്നെ വളരെ ഉപകരിക്കുന്നതായിരിക്കും. അതിനാൽ ഞാൻ ഈ പ്രമേയത്തെ അനുകൂലിച്ചുകൊള്ളുന്നു. ഈ സ്റ്റാഫ് സെലക്ഷൻ ബോർഡംഗങ്ങളുടെപേരിൽ യഥാർത്ഥത്തിൽ വിശ്വാസത്തെ (Vote of Confidence) രേഖപ്പെടുത്തുന്നതായിരിക്കും.

Mr. V. K. Krishnankutty (*Ezhuvas Talappalli*): Mr. President, Sir, the hon'ble mover of this resolution has the burden of his song as follows: "I am not a believer in the principle of communal representation" But we have been witnessing sights here wherein he has been always struggling and doing all in his power to support the cause of communal representation. The logic of his principles, professions and actions cannot be properly understood by me. He is not a believer. Whenever he moves similar resolutions in which the principle of communal representation is the cardinal principle, he always says "I am not a believer in the principle of communal representation". I say to the hon'ble member that if he is not a believer there are believers in this House who are interested in guarding against any aggression being made against the principle of communal representation. He had better leave the task to those who really believe in that principle. Why I submit like this is that whenever a person does a thing against his own belief, he is liable to err often-times than be correct. Now the object of this resolution seems to be to institute an inquiry into the working of the Staff Selection Board before the period of three years mentioned in the Government Proceedings has elapsed. Before my hon'ble friend has made out a case that the Staff Selection Board has been doing things so hap-hazardly, he cannot move this House for the appointment of a committee to go into and report upon the working of the Staff Selection Board. It is

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true that hon'ble members of this House have been pointing out certain mistakes committed by the members of the Board. But I submit that the fact that we have been sometimes questioning the working of the Staff Selection Board does not establish that the Board has gone out of its way and done many mischiefs. It is only that during the question hour we have utilised our opportunities in order to have a check upon the working of the institution. Whatever may be the body functioning they are liable to err, most often without any motive. Even if some of the hon'ble members who seem to be not liable to err are appointed to the Board more complaints can be made against their working than is now being done against the working of the Board. Human institutions are liable to err and the opposition's duty is to correct whenever and wherever the working has gone wrong. That does not show that the whole institution has to be re-modelled or a committee has to be urgently instituted in order to go into the working up-to-date of the Staff Selection Board. One hon'ble member was saying that the motive was not relevant in cases like this. I submit that when a person who does not believe in the principle asks for the establishment of the principle at once we have to put ourselves on our guard and try to find out what the motive behind the person who moves the resolution is.

Mr. V. N. Damodaran Nambiar (*Trippunittura*): I am not fighting for the abolition of the Board, but only with regard to the work of it.

Mr. V. K. Krishnankutty (*Ezhuvas-Trichur*): I think a few remarks are now called for on this general principle also. It is too late now to say that the principle of communal representation has been wrongly accepted by the Government. You cannot directly attack the principle now and say, 'you demolish the Staff Selection Board'. You cannot say like that and this House will not hear you when you bring in a proposition like that. Instead of coming directly to the point you are coming through the backdoor and want to pick holes in the working of the institution and afterwards try to establish that the working of the institution is impossible and that the principles upon which the institution of the Staff Selection Board is based cannot be worked and they are wrong. If that be the motive and that motive is apparent on the face of it, then some of us cannot find our way to support the resolution and we strongly oppose it.

Mr. T. V. Subramania Ayyar (*Nemmara*): Mr. President, Sir, with pain I have to differ from my friend Mr. V. K. Krishnankutty and also Mr. Panicker in this respect.

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The resolution as it looks is very innocent and devoid of any politics and unless you view it with a coloured spectacle nothing sinister is apparent. What I wish to say is, it is very clear: It recommends to the Government that a committee of the members of this House be appointed to go into and report upon the working of the Staff Selection Board before the period of three years fixed in the proceedings appointing the Board expires. Now the very institution of this body has been sanctioned under a Government Proceedings whereby the Government in its wisdom and I believe in response to popular demands, fixed the time limit to see how it works, where it goes wrong and where it requires modification. When the Government has thought fit in the very proceedings appointing the Board the necessity also for examining its work and when a non-official member brings in a resolution to this effect as a supplement to the Government Proceedings and not at all antagonistic to it, not against the principle embodied in the proceedings, I wonder how my learned friends have thought fit to find and read more into it than what is seen on the face of it. Whether the hon'ble mover believes in the principle of communal representation, or whether he does not believe in it, it is not a matter which concerns this House.

Mr. V. K. Krishnankutty (*Ezhuvas-Trichur*): Yes, very much.

Mr. T. V. Subramania Ayyar (*Nemmara*): It does not. I say we are not going to be actuated by the motives of the hon'ble mover. We are concerned only with the resolution and when for reasons which may be very altruistic or otherwise this House accepts the principle and accepts this resolution it is immaterial what all motives the mover has in bringing forward this resolution.

Mr. V. K. Krishnankuttty (*Ezhuvas-Trichur*): What is the urgency before the period of three years are over?

Mr. T. V. Subramania Ayyar (*Nemmara*): I am very glad that the Hon'ble Revenue Member has got very able defenders in this House. The other day he was at very great pains to prove.....

Mr. V. K. Krishnankutty (*Ezhuvas-Trichur*): He can very well defend himself.

Mr. T. V. Subramania Ayyar (*Nemmara*): I am not defending him. In fact I seldom defend a case in which I am not interested. I am only going to defend myself. I am only adducing it as an argument. Strange bed-fellows are brought forth here in opposition to the resolution. Government

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have got very able supporters with regard to the working of the Staff Selection Board. The hon'ble member, Mr. Krishnankutty, has been quoting the famous dictum of a famous author that all human institutions are imperfect and that the most excellent among them is only an approximation to the ideal.

Mr. K. Achyuta Menon (*Diwan Peishkar*): Probably you were thinking of Parvathiakarans.

Mr. T. V. Subramania Ayyar (*Nemmara*): Yes, exactly. I was thinking of a discussion that we had here regarding the appointment of Parvathiakarens. You get support from unexpected quarters. Last time this principle of the Staff Selection Board was sought to be imported into other fields also. And legitimately too. Whether I believe in the principle of communal representation or not, whether efficiency has been kept up by the constitution of the Board, what was the motive for the appointment of the Staff Selection Board, whether it was appointed as a panacea for all the ills of the backward communities, whether it was for political propaganda, whether it was not an eye-wash to satisfy other clamours of the people to all these I am not going into nor am I going to ascertain the motive which actuated the Government in appointing the Board. We are only concerned here with the resolution as it stands and I want the hon'ble members who are opposing this not to be influenced either way by the motive of the mover or that of the opposer but to see whether the resolution itself is necessary or not. I ask what is it that the hon'ble members will lose by having a committee to enquire into the working of the Board.

Mr. V. K Krishnankutty (*Ezhuvas-Trichur*): What is it that you are going to gain? Why was it that Government thought it fit to fix the limit as three years?

Mr. T. V. Subramania Ayyar (*Nemmara*): Why not you appoint the committee earlier? What is the objection? The committee's labours are not going to be finished before the three years' period is over. The very proceedings which gave the great boon, the very Government Proceedings which constituted this Board, has thought fit in its wisdom to fix a time-limit within which period the work of the committee has to be examined. Then why do you object to the appointment of this committe?

Mr. V. K. Krishnankutty (*Ezhuvas-Trichur*): The three years' period is not over.

Mr. T. V. Subramania Ayyar (*Nemmara*): Then am I to understand that your objection is that it is premature?

Mr. V. K. Krishnankutty (*Ezhuvas-Trichur*): Yes. That is one of the objections.

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Mr. T. V. Subramania Ayyar (*Nemmara*): You need not at all be afraid of the findings of the committee: There is absolutely nothing to fear. It may be that after the examination by the non-official body they may find that the work of the Board has been extremely satisfactory and that the principle of communal representation introduced in the State is a very satisfactory method of solving the ills of the State.

Mr. C. V. Iyyu (*Kunnamkulam*): That won't come within the purview of the resolution. The first part of your statement only concerns the resolution.

Mr. T. V. Subramania Ayyar (*Nemmara*): Whatever it is, I do not think there is any very serious objection for a committee going into the working of the Board and the hon'ble members need not smell a rat in it.

Mr. V. K. Krishnankutty (*Ezhuvas-Trichur*): We smell a lion in it.

Mr. T. V. Subramania Ayyar (*Nemmara*): That is why you are afraid of it. I submit there are no valid grounds for opposing the resolution and absolutely no harm will be done by a committee of this House examining the working of the Staff Selection Board, if necessary, without deviating from the principle of communal rotation. My own personal views have no place here. Without sacrificing in any way the principle of communal representation, a committee may be appointed with a view to test its working and suggest remedies for the proper functioning of the Staff Selection Board.

Mr. M. K. Devassy (*Adur*): Sir, I oppose the resolution. It is clear from what was stated by my hon'ble friend Mr. Subramania Ayyar that what is intended by this resolution is to go and examine into the proper working of the Staff Selection Board up till now. It is there that I disagree with the resolution. If the object of the resolution is to report as to the result of the work of the Staff Selection Board I would have supported the resolution whatever be its repercussions upon either the community to which I belong or the community to which others belong. The particular principle on which I oppose this resolution is this. The Staff Selection Board guided by certain rules has been functioning up till now and is bound to function till the expiry of its period. To appoint a committee to enquire into the proper working of the Staff Selection Board means that either this House has no confidence in the Board or at any rate there are certain suspicious circumstances which justify the appointment of such a committee.

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Mr. T. V. Subramania Ayyar (*Nemmara*): Not at all.

Mr. M. K. Devassy (*Adur*): If after enunciating the principle and the rules according to which the Board is to function and when people in whom the citizens of the State are bound to place respect and confidence are actually carrying out the objects of that principle and the rules, if you think that such people should be subjected to the scrutiny of a committee, then I think it is up to this House to appoint a committee to enquire into the working of the High Court even where judges who are respected and honoured by the people of this State are administering the law.

Mr. C. V. Iyyu (*Kunnamkulam*): I think the hon'ble member is not aware of the Cochin Constitution Act whereby we have not got power to inspect the work of the High Court Judges.

Mr. M. K. Devassy (*Adur*): If I am mistaken, I am so in crediting my hon'ble friend with more of imagination. I am extremely sorry that my hon'ble friend cannot go beyond the literal meaning of what I was explaining. I expected some imagination from him. When I am explaining a principle I want him to understand that as a principle and when I am using figurative expressions, I want him to understand them as such. The principle I was attempting to explain is that we should be very careful in giving an atmosphere of no-confidence about persons who ought to be supposed to be holding responsible positions of honour and trust.

Mr. T. V. Subramania Ayyar (*Nemmara*): It is not their personal position, but only their official position.

Mr. M. K. Devassy (*Adur*): My hon'ble friend was suggesting that words do not matter. According to me words do matter. As a matter of fact one of the objects for which the Staff Selection Board was constituted is to bring several communities on a par with other communities so far as their appointments in the Government service are concerned. It is certainly a duty on the part of the Government to examine how far these communities have come on an equal par and if they have not come whether the time has come to effect a revision as to the proportion that has been fixed. That certainly I can understand. But the resolution should not be worded in this way. The resolution should then aim at examining the result of the working of the Staff Selection Board and the necessity for continuing it, amending or revising it. But standing as the resolution does, it means that this House is suspicious about the working of the Staff Selection Board. According to me whatever be the representations that come to us from interested quarters, whatever

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be the faults that are tried to be heaped up on those hon'ble members who conduct the working of the Staff Selection Board, we as responsible legislators who have a sense of charity and confidence should think that people whom we think are capable of being appointed to work out the programme of the board are also equally capable of administering it according to the rules which guide them. On this principle, Sir, on the plank of public policy, I oppose this resolution and I think that the hon'ble members who have been supporting it on the ground that it means an enquiry into the result of the working of the Staff Selection Board will amend their views in the light of my submission.

Mr. C. V. Iyyu (*Kunnamkulam*): Sir, I move for a closure.

Mr. V. K. Krishnankutty (*Ezhuvas-Trichur*): I second it.

Mr. Deputy President: The Secretary will reply.

Mr. K. P. Kannan Nayar (*Secretary to Government*): If no other hon'ble member wishes to speak I will make the Government position clear.

Mr. K. M. Ibrahim (*Cranganur*): After the Government reply some of us may have to speak on the resolution.

Mr. Deputy President: I saw nobody inclined to speak. That was why I asked the Secretary to reply and did not put the closure motion to vote. Now, I will have to put the closure motion before the House.

*Mr. K. M. Ibrahim (*Cranganur*): The point is that I did not want to make any formal speech. I only want to make a suggestion to the hon'ble mover on the material on which he was basing his arguments. He was reading a Proceedings of the Government in which the Government have promised that a definite enquiry will be conducted after the working of the Board for a period of three years. Now what I want to say is, give some time to the Government. If the Government, after these three years, does not initiate a formal enquiry and if the hon'ble member is not satisfied with the working of the Board then, it is open to him to bring in a resolution for the appointment of a committee. But is it quite essential to move this resolution and to have a full-dressed debate now? If the Government fails to have a formal scrutiny as promised in the official proceedings or if the result of such a scrutiny is not known, or if the hon'ble member is dissatisfied with the result, then it is open to the hon'ble member to bring in a resolution of this kind.

*Speech not corrected by the hon'ble member.

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Mr. V. N. Damodaran Nambiar (*Trippunittura*): With regard to that suggestion if I am permitted by the Chair, I shall explain now.

Mr. Deputy President: You can reply when your turn comes. We will now put the closure motion to vote.

The motion was put and carried.

Mr. K. P. Kannan Nayar (*Secretary to Government*): Sir, there seems to be some misconception in the minds of the hon'ble members so far as the scope of what is laid down in the Government Proceedings. From the nature of the speech that was delivered by the hon'ble mover of the resolution, it seems that complaints were being heard here and there regarding the rules prescribed for the recruitment by the Board and that this scheme itself has not been properly worked out. Some complaining voice was heard during the last Budget session when the Hon'ble Advocate-General himself stated that in one or two cases they had to make an exception. These are some of the arguments advanced to justify the resolution, that the working of the Board should be examined even before the time that is fixed in the Government Proceedings elapses. What is it that is stated in the Government Proceedings? The very object with which this scheme was brought into existence is this. Government thought that with reference to appointments to certain grades which were till then made by the Heads of Departments according to the rules laid down in the Standing Orders and about which there were complaints that adequate representation was not given to certain communities, some arrangement is necessary and that some rules are necessary for recruitment to such offices. That is clear from the preamble to the Government Proceedings itself. This is what the Government say there—

"The existing provisions of the Standing Orders and the supplemental departmental circulars and instructions issued from time to time have provided safeguards to ensure adherence to this policy so as to secure fair and equal treatment to all classes in the Public Service. The recruitment to the subordinate services now made by Heads of Departments has, however, often come in for a good deal of criticism, and Government feel that so long as the present practice of recruitment by Heads of Departments continues, even though the appointments are in fact made with the strictest impartiality, it will continue to give a handle for such criticism, however undeserved or ill-founded it might be."

So Government thought that instead of Heads of Departments making these appointments, some rules should be framed, certain percentages for the different communities should be fixed and in order to satisfy those percentages, certain communal

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rotations should also be made. Government also stated that in order to advise the Government as to how the selections in the best manner possible should be made, they should entrust the working of these rules to three of their senior officers. After reading the whole Proceedings together, it will be found that it is not the selection of these 3 officers alone that form the scheme. First of all a percentage is fixed for the different communities, then a method of rotation so as to satisfy these percentages and for different cadres of services, different rotations are fixed. In the rotation suppose the first place is given to a Muslim. It may be asked why should it begin with a Muslim? With regard to the mode of selection also, there are certain rules framed. After stating all these things, the Government stated that the scheme is only a tentative one which is liable to be revised at the end of 3 years. The Proceedings and the rules mention the scope of the Board, the composition of the Board and say that the scheme will come into operation on such date as Government may order by notification in the Government Gazette and will be worked tentatively for a period of three years at the end of which the position will be reviewed in the light of the then existing conditions. So that what the Proceedings contemplated is not whether a particular Board has been satisfactorily working these rules, but whether there would be any necessity for a retention of the whole scheme itself after the specified time. The Proceedings also says that the Government will consider whether a new fixing of percentages is necessary after working the rules for the next three years.

From the nature of the speech that is made by the hon'ble mover of the resolution, if it is to be understood correctly, it is that the Board has not been working properly and that there have been complaints here and there. I may state now that this body is only an advisory body and every recommendation that it makes has to be finally approved by the Government, so that the result of the resolution would be that you want to examine how the Government have been actually working out a scheme. Then a non-official body of this House wants to see how the Government have been working this scheme.....

Mr. T. V. Subramania Ayyar (*Nemmara*): What is the wrong in it? We have got every right to do that.

Mr. K. P. Kannan Nayar (*Secretary to Government*): When you say that the Government itself has promised that, you are wrong. The Government have stated that the scheme is a tentative one and that after a period, the whole thing will be reviewed—not by the non-officials of this House. If you say that the Government had stated that the whole thing will be reviewed by a committee of this House, it is wrong.

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Government itself instituted the scheme because there was the feeling that the Heads of Departments were not adhering to the various instructions issued to them although they were not satisfied that the charge is true. They thought there was a feeling that the Heads of Departments were not properly making their appointments and in order to remove that feeling the Government appointed a committee and on the advice of that committee, the Government have been making all these appointments. Do you mean to say that so far as these appointments are concerned, Government have not been doing them properly?

As regards the scope of the enquiry that is promised in the Proceedings, there seems to be some mis-understanding. The Government Proceedings is very clear in the matter. The Government say that they will be reviewing the working of this system at the end of these years to know how far communal representation has advanced, how far the communities which have not been receiving due representation have come up to the level of the communities who were receiving over representation previously, how far this system has promoted the efficiency of the services, whether there is any necessity to revise the rules or introduce new rules—all these can be considered only after the period that is fixed here, and that will be done by the Government in due course also. The members of the Board have been actually carrying out the rules in the spirit in which they have been made.

Mr. V. J. Mathai (*Planters*): Sir, I rise to a point of order. Under Standing Order 25, "when the motion 'that the question be now put' has been carried, the question on the original motion the debate on which has thus been terminated shall be put and decided without amendment or further debate:

Provided that the President may allow any member any right of reply which he may have under the Standing Orders".

Here, the only thing contemplated is the right of reply and that is by the mover. So that my point is that after the question has been put and after the closure motion has been put and carried, nobody except the mover of the resolution has a right to reply.

Mr. Deputy President: The mover as well as the Government Member in charge, have got a right to reply.

Mr. K. P. Kannan Nayar (*Secretary to Government*): Or else the position will be rather awkward. Suppose you bring in a resolution and after saying all that you want to say, one member moves for a closure motion and another seconds

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and then he gives his reply, the Government will have no occasion to explain its position.

Mr. Deputy President : There is a Standing Order by which the Government Member in charge has the right of final reply.

Mr. V. J. Mathai (*Planters*): On a point of information, I want.....

Mr. Deputy President ; I have already given the ruling.

Mr. K. P. Kannan Nayar (*Secretary to Government*) : My respectful submission, therefore, is that in fact, there is no necessity for this resolution. Some hon'ble members were saying that this will amount to a no-confidence in the working of the Staff Selection Board. They were saying that they were hearing complaints regarding the working of the Board and not about the rules or about how the rules are worked. Their contention is also sought to be supported by the fact that there is provision in the Procee ings itself. The scope of enquiry contemplated in the Proceedings is entirely different.

Now we are nearing the fag-end of the third year, because in the coming Kanni, the whole term will be over. After the term is over it will be time for the Government to consider whether it should not review the working of the Board. It is for the House to consider whether in the interval of 5 or 6 months, any committee should go into what this Board has done during the $2\frac{1}{2}$ years, that it has been working.

Mr. T. V. Subramania Ayyar (*Nemmara*) : Appoint the committee now. By the time the investigations are over, it will be completing three years.

Mr. K. P. Kannan Nayar (*Secretary to Government*): Then do you mean that all the appointments made by the Government during these $2\frac{1}{2}$ years according to the advice of the Board should be cancelled ?

Mr. T. V. Subramania Ayyar (*Nemmara*) : That is not our view. We want to see that at least future appointments are made properly.

Mr. K. P. Kannan Nayar (*Secretary to Government*): In view of the whole scheme, we do not think there is any necessity to appoint a committee now.

Mr. V. N. Damodaran Nambiar (*Trippunittura*): Sir, since certain motives have been attributed to me once again in this House and since consideration seems to have centred more on the motives rather than on the merits of the resolution, I

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think I should make a reply sufficiently satisfactory. But as time is short, I do not propose to do it now.

With regard to the point of view expressed by the Government, I may say that I do not propose by this resolution anything other than an enquiry that is contemplated by the Government Proceedings. What I want through this resolution to impress upon the House is that since the Government have already contemplated an enquiry under that Government Proceedings the resolution simply suggests the agency, i. e., that this Council is the best agency to go into the matter and report on the working of the Board to the Government. Therefore this is not a proposal which would result in a multiplicity of enquiries. This is also not a proposal to condemn the working of the Staff Selection Board. This is only a proposal to appoint a committee of this House, which will be the best-fitted body to go into the question as to whether communal justice has been properly meted out and then to advise the Government in the matter. I therefore submit that the hon'ble members may be pleased to kindly accept my resolution.

Mr. T. A. Ramachandra Ayyar (*Nellayi*): Sir, it is now past five and can we put the motion to vote?

Mr. Deputy President: There is nothing wrong in putting the motion to vote.

The resolution was put and lost.

Mr. V. N. Damodaran Nambiar (*Trippunittura*): A poll, Sir.

Poll.

Ayes.	*Noes.*
Mr. V. J. Mathai.	Mrs. Iyyunni.
Mr. C. V. Iyyu.	Mr. K. S. Panicker.
Mr. V. N. Damodaran Nambiar.	Mr. K. M. Ibrahim.
Mr. V. K. Bhaskara Menon.	Mr. M. L. Joseph.
Mr. A. V. Moothedan.	Mr. B. M. Peter.
Mr. C. Kunhan Namboodiripad.	Mr. V. K.Krishnankutty.
Mr. T. V. Subramania Ayyar.	Mr. C. R. Iyyunni.
	Mr. M. K. Devassy.
	Mr. K. Kochukunhan Kaimal.
	Mr. C. K. S. Moni.
	Mr. C. J. Luiz.
	Mr. K. P. Kannan Nayar.
	Mr. K. Achyuta Menon.
	Mr. P. J. George.
	Mr. C. A. Kunjunni Raja.
	Dr. D. Raghavendra Rao.
	Rao Bahadur M. Narayana Menon.

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Mr. K. V. Menon.
Mr. S. Venkiteswaran.
Mr. M. Raman Menon.
Mr. V. K. Aravindaksha Menon.
Rao Sahib I. N. Menon.
Rama Varmha Tampuran.

Mr. Deputy President : 7 for and 23 against, the resolution is lost.

The House adjourned sine die at 5-10 p. m.

B. V. K. MENON,
Secretary to the Council.

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